

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7248

BILL NUMBER: HB 1141

NOTE PREPARED: Jan 4, 2007

BILL AMENDED:

SUBJECT: Resisting law enforcement.

FIRST AUTHOR: Rep. Hinkle

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes resisting law enforcement, a Class A misdemeanor under current law, a:

- (1) Class D felony if a person attempts to obtain possession of certain weapons from a law enforcement officer; and
- (2) Class C felony if a person draws or uses a deadly weapon, obtains possession of certain weapons from a law enforcement officer, or inflicts bodily injury on a law enforcement officer; while committing the offense.

Effective Date: July 1, 2007.

Explanation of State Expenditures: Under current law, resisting law enforcement is a Class A misdemeanor, but may be increased to a Class D, Class C, or Class B felony in certain circumstances. This bill would expand the definition of Class D and Class C felony enhancements. There are no data available to indicate how many more offenders may receive an enhanced penalty for resisting law enforcement, given the additional circumstances.

Depending upon mitigating and aggravating circumstances a Class C felony is punishable by a prison term ranging from 2 to 8 years and a Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor. The average expenditure to house an adult offender was \$22,734 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately 2 years and for all Class D felony offenders is

approximately 10 months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony and a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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